

## **AGENDA**

### **BOARD OF MAYOR AND ALDERMEN**

**July 10, 2007**

**7:30 PM**

**Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Mayor Guinta calls the meeting to order.
2. The Clerk calls the roll.
3. Communication from Attorney Robert Miller on behalf of NH Triple Play, LLC, requesting to address the Board regarding the following matters:
  - a) separation of powers between the BMA and Board of Adjustment in cases where extreme zoning variances are sought, and the BMA's authority in such cases;
  - b) City's ongoing contractual obligations to the Fisher Cats and the Eastern League pursuant to the Management and Operations Agreement and the Red Sox Agreements; and
  - c) request the board's formal vote indicating its position on the propriety of the above-referenced condominium project as proposed.

### **CONSENT AGENDA**

4. Mayor Guinta advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

### **Ratify and Confirm Polls Conducted**

- A. On June 12 & 13, 2007 approving the policy of "piano key" styled crosswalks.  
*(Unanimous vote)*

- B. On June 18, 2007 approving a request of the American Red Cross for “GIVE BLOOD HERE TODAY” signage at the corner of Reservoir Avenue and Mammoth Road and Mammoth Road and Bridge Street.  
*(Unanimous vote)*

**Pole Petitions – Approve under the supervision of the Department of Highways**

- C. PSNH Pole Petition #11-1159 located on West Pennacook Street; and PSNH Pole Petition #11-1160 located on South Willow Street.

**Sidewalk Petitions (50/50 Program FY2007) – Approve subject to the availability of funding**

- D. Communication from Jay Davini, Public Utilities Coordinator, requesting approval of sidewalk petitions.

**Informational – to be Received and Filed**

- E. Communication from Alderman Garrity submitting signed petitions of residents and neighbors in and around South Willow and Parkview Streets requesting the Board deny the rezoning petition submitted on behalf of Autotorium.
- F. Copy of a communication from Alderman Lopez to Committee on Accounts, Enrollment and Revenue Administration recommending the Finance Officer and City Solicitor begin immediate review of biennial budgeting with the Committee on Accounts with a report to the full Board by December 1, 2007.
- G. Copy of a communication from Alderman Lopez to Committee on Community Improvement requesting the BMA have the Finance Officer, City Solicitor and Bond Counsel (if needed) review the possibility of using Rooms and Meals Tax money in the future for Storm Water Utility/Sidewalks/Streets.
- H. Manchester Health Department Monthly Report Summary, June 2007.

- I.** Communication from Jennie Angell, Acting Information Services Director, advising of having entered into a 6-month pilot agreement with FusionConneX to provide public, fee based Wireless Internet Access (WiFi) at Livingston Park.
- J.** Communication from Robert MacKenzie, Director of Planning, providing additional information of two CIP accounts dealing with South Willow Street.
- K.** Communication from Deputy Chief Lussier providing an update of the Police Canine Unit.
- L.** Minutes of the Mayor's Utility Coordinating Committee meeting held on May 18, 2007.
- M.** Minutes of the MTA Commission meeting held on April 24, 2007 and the Financial and Ridership Reports for April 2007.
- N.** Communication from June Matte, Bond Counsel, regarding the adopted FY2008 budget.
- O.** Communication from Paul Porter recommending that an informal committee be organized composed of representatives from the Assessors, Building, Planning and Economic Development Departments for the purpose of projecting growth needed to prevent increasing fees and/or raising taxes to pay for any mandatory expenditure increases.

## **REFERRALS TO COMMITTEES**

### **COMMITTEE ON BILLS ON SECOND READING (Concurrent Referral to Public Hearing on a date and time to be scheduled by the City Clerk's Office.)**

- P.** Rezoning petition submitted by Southern NH Planning Commission for property located at 438 Dubuque Street.

## **COMMITTEE ON FINANCE**

### **Q. Resolutions:**

“Amending the FY2008 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Two Hundred Twenty Five Thousand Dollars (\$225,000) and revising the title of CIP 711408 from “Additional Multi-Space Meters” to “Millyard Parking Plan Implementation.”

“Authorizing the Finance Officer in Fiscal Year 2007 to effect a transfer of Fifty Three Thousand Seven Hundred Fifty Dollars (\$53,750) from Contingency to the Manchester Police Department.”

“Authorizing the Finance Officer to Make Certain Budgetary Closings for the Year 2007.”

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION**

- R.** Recommending that a proposed Business Expense Policy for the City be updated and approved as enclosed herein, with the addition that those traveling to conferences and training paid by the city provide a report to the Board following attendance to advise of the activities learned. The Committee notes that it requested the Independent City Auditor to provide the policy with portions changed or updated highlighted.

*(Unanimous vote with the exception of Aldermen Thibault and DeVries who were absent.)*

- S.** Advising that it has referred the enclosed communication from Alderman Lopez to the Finance Officer and City Solicitor for review and report.

*(Unanimous vote with the exception of Aldermen Thibault and DeVries who were absent.)*

- T.** Advising that it has accepted the City's Monthly Financial Statements (unaudited) for the eleven months ended May 31, 2007 and is forwarding same to the Board for informational purposes.  
*(Unanimous vote with the exception of Aldermen Thibault and DeVries who were absent.)*  
(Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)
- U.** Advising that it has accepted the following Finance Department reports:
- a) department legend;
  - b) open invoice report over 90 days by fund;
  - c) open invoice report all invoices for interdepartmental billings only;
  - d) open invoice report all invoices due from the School Department only;
  - e) listing of invoices submitted to City Solicitor for legal determination; and
  - f) accounts receivable summary.
- and is forwarding same to the Board for informational purposes.  
*(Unanimous vote with the exception of Aldermen Thibault and DeVries who were absent.)*  
(Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)
- V.** Recommending that the 3<sup>rd</sup> and 4<sup>th</sup> quarter FY2007 write off list for the accounts receivable module be approved.  
*(Unanimous vote with the exception of Aldermen Thibault and DeVries who were absent.)*

## **COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS**

- W.** Recommending that a request of the NH Fisher Cats to extend the entertainment curfew from 10 PM to 11 PM on Friday, August 17, 2007 for a concert at Merchantsauto.com Stadium be granted and approved under the supervision of Fire, Police and City Clerk's office.  
*(Unanimous vote)*

## **COMMITTEE ON BILLS ON SECOND READING**

**X.** Recommending that Ordinance:

“Amending Sections 33.024, 33.025, & 33.026 ((Assistant Airport Director (Finance & Administration) to Deputy Airport Director and Property & Contract Administrator to Property & Contract Coordinator)), of the Code of Ordinances of the City of Manchester.”

ought to pass as amended.

The Committee notes that it has amended the Ordinance to reflect a Grade 27 for the Deputy Airport Director position as recommended by the Human Resources Director.

*(Aldermen Lopez, Gatsas, and Garrity in favor. Aldermen Duval and Pinard opposed.)*

**Y.** Recommending that Ordinance:

“Amending Chapter 70: Motor Vehicles And Traffic of the Code of Ordinances of the City of Manchester by expanding the Residential Parking Permit Zone #1 in Section 70.55(D)(1) to include a portion of Elm Street.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard in favor. Alderman Gatsas opposed.)*

## **COMMITTEE ON COMMUNITY IMPROVEMENT**

**Z.** Advising that it has received a presentation regarding a potential storm water utility for the City and has concurred with the Highway Department’s intention to engage a low cost feasibility study of such a program with informational reports anticipated to be made to the Committee and Board at a future time in the December to March period.

*(Unanimous vote)*

## **COMMITTEE ON PUBLIC SAFETY, HEALTH & TRAFFIC**

**AA.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

**LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA, A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE APPROVED.**

5. Communication from Carol Johnson, Deputy City Clerk, requesting the Board reaffirm appointments to the Revolving Loan Fund Committee for terms expiring June 1, 2009, establish future expirations for June 2010, and affirm and order composition of such committee as outlined.  
**Ladies and Gentlemen, what is your pleasure?**
6. Nominations to be presented by Mayor Guinta, if available.
7. Confirmation of the nomination of Jeff Dobe to fill a vacancy on the Senior Services Commission, term to expire January 1, 2008.  
**A motion is in order to confirm the nomination as presented.**
8. Report(s) of the Committee on Public Safety, Health & Traffic regarding Millyard Parking Plan Implementation, if available.  
**Ladies and Gentlemen, what is your pleasure?**
9. Mayor Guinta advises that a motion is in order to recess the regular meeting to allow the Committee on Finance to meet.
10. Mayor Guinta calls the meeting back to order.

#### **OTHER BUSINESS**

11. Report(s) of the Committee on Finance, if available.  
**Ladies and Gentlemen, what is your pleasure?**
12. Report of the Committee on Human Resources/Insurance regarding Equipment Operator III (Sweeper) position, if available.  
**Ladies and Gentlemen, what is your pleasure?**

**13. Ordinances: (A motion is in order to read by titles only.)**

“Amending the Zoning Ordinance of the City of Manchester the Neighborhood Business District (B-1) into an area currently zoned Residential Two Family District (R-2), including two lots, Tax Map 325, Lots 18 and 18A with addresses of 316 and 322 South Main Street and abutting Goffe Street. The intent being that the entirety of these two lots would be in the B-1 District.”

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Urban Multifamily District (R-3), being a portion of Tax Map 315, Lot 8 with an address of 116 South Main Street and abutting Walker Street. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

**These Ordinances having had their second reading by titles only, the question is on passing same to be Enrolled.**

- 14.** Mayor Guinta advises that a motion is in order to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

- 15.** Mayor Guinta calls the meeting back to order.

- 16.** Report of the Committee on Accounts, Enrollment and Revenue Administration, if available.

**Ladies and Gentlemen, what is your pleasure?**

- 17.** State Legislative update to be presented by Mayor Guinta, if available.  
*(Note: update to be provided prior to or at the meeting.)*

- 18.** Charter Amendment submitted by Mayor Guinta relative to authorizing the City to enter into a contract of employment with the Airport Director.

*(Note: to be submitted prior to or at meeting.)*

**Ladies and Gentlemen, what is your pleasure?**



19. Communication from Leo Bernier, City Clerk, requesting the Board set the polling hours for the Municipal Primary Election scheduled for Tuesday, September 18, 2007, from 6 AM until 7 PM.  
**Ladies and Gentlemen, what is your pleasure?**
20. Communication from Carol Johnson, Deputy City Clerk, submitting a warrant pursuant to RSA 466:14 to be issued to the Chief of Police for civil forfeitures for unlicensed dogs, requesting authorization for the City Clerk to remove names from the listing as deemed appropriate and collect reimbursement for related certified mail costs.  
**Ladies and Gentlemen, what is your pleasure?**
21. Communication from Robert MacKenzie, Director of Planning, submitting the final draft of a strategic Neighborhood Plan for Rimmon Heights and seeking the Board's review, approval and/or concurrence.  
**Ladies and Gentlemen, what is your pleasure?**
22. Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.  
*(Note: amount to be presented by Clerk at meeting.)*  
**Ladies and Gentlemen, what is your pleasure?**
23. Ordinances: **(A motion is in order to read by titles only.)**

“Amending the Zoning Ordinance of the City of Manchester the Neighborhood Business District (B-1) into an area currently zoned Residential Two Family District (R-2), including two lots, Tax Map 325, Lots 18 and 18A with addresses of 316 and 322 South Main Street and abutting Goffe Street. The intent being that the entirety of these two lots would be in the B-1 District.”

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Urban Multifamily District (R-3), being a portion of Tax Map 315, Lot 8 with an address of 116 South Main Street and abutting Walker Street. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

**These Ordinances having had their third and final reading by titles only, the question is on passing same to be Ordained.**

**24. Resolutions:**

“Amending the FY2008 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Two Hundred Twenty Five Thousand Dollars (\$225,000) and revising the title of CIP 711408 from “Additional Multi-Space Meters” to “Millyard Parking Plan Implementation.”

“Authorizing the Finance Officer in Fiscal Year 2007 to effect a transfer of Fifty Three Thousand Seven Hundred Fifty Dollars (\$53,750) from Contingency to the Manchester Police Department.”

“Authorizing the Finance Officer to Make Certain Budgetary Closings for the Year 2007.”

**TABLED ITEMS**

**A motion is in order to remove any of the following items from the table for discussion.**

**25. Report of the Committee on Bills on Second Reading recommending that Ordinance:**

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)*

*(Tabled 09/05/2006)*

**26. Report of the Committee on Bills on Second Reading recommending that Ordinance:**

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)*

*(Tabled 09/05/2006)*

- 27.** Report of the Committee on Community Improvement advising that it has requested staff to prepare documents to provide that the City agree to extend the term on the 2<sup>nd</sup> mortgage relating to Lowell Terrace Associates property located at the northwest corner of Lowell and Chestnut Streets to coincide with the expiration of the existing first mortgage in 2013.  
(Unanimous vote)  
(Tabled 05/15/2007. *Additional materials provided by Finance enclosed.*)

- 28.** A Majority report of the Committee on Bills on Second Reading recommending that Ordinance:  
“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”  
be denied at this time.

The Committee notes that the business owner should work with the neighborhood and may return with a petition after addressing issue as noted in a communication from Alderman Garrity enclosed herein.

(Aldermen Garrity, Pinard and Duval in favor. Aldermen Lopez and Gatsas opposed.)  
(Tabled 06/05/2007)

**29. NEW BUSINESS**

- a) Communications
- b) Aldermen

- 30. Mayor Guinta advises that immediately following adjournment the Board will hold a negotiation strategy session with the Chief Negotiator and if there is no further business a motion is in order to adjourn.**